

Notice of Allowability

Application No.

10/751,429

Applicant(s)

SEET ET AL.

Examiner

Donald L. Champagne

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 29 October 2007.
2. ☒ The allowed claim(s) is/are 1,3-27 and 31-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DONALD L. CHAMPAGNE
PRIMARY EXAMINER
Notice of Allowability

Donald L. Champagne
Primary Examiner
Art Unit: 3622

DETAILED ACTION

Allowable Subject Matter

1. Claims 1, 3-27, and 31-33 are allowed.
2. The following is an examiner's statement of reasons for allowance: The allowed claims differ only in obvious ways from claims in US patent 6,701,301 by the inventors, and an acceptable terminal disclaimer was filed on 6 May 2005.
3. For all the independent claims 1, 11 and 20, the closest US patent prior art by another is that used in the final rejection mailed on 6 June 2007: Ho (US005909207A) in view of the admitted prior art (para. [0025]-[0029] and Fig. 14 of the published application, US 20040138952A1) and further in view of Treyz et al. (US006587835B1). This art does not teach or suggest dynamically receiving an advertisement to be inserted into electronic content and electronically displayed on flipping pages. (Figs. 1B, 1C or 1D of the instant application show the subject "flipping pages" technology claimed. This three-dimensional effect is a sort of e-book technology, but not all e-books have "flipping pages").
4. "Dynamic" receipt would be understood by one of ordinary skill in the art to mean receiving an ad just as it was needed for presentation, so as to permit precise ad targeting, for example. ("Real time" is a common synonym for dynamic.) That is the meaning of dynamic given at the webopedia web site. Eldering teaches dynamically receiving an advertisement to be inserted into electronic content.
5. No prior art was found to teach or suggest adding the dynamic modification of electronic content taught by Eldering to the flipping page display of Ho with the admitted prior art and Treyz et al. While it was well known at the time of the instant invention that dynamic/real time modification of advertising improved targeting (Eldering, col. 2 lines 9-14), the prior art does not teach or suggest any advantage to displaying the results as flipping pages.
6. The closest non-patent prior art is *FlipAlbum*. It teaches flipping pages, but neither teaches nor suggests dynamic insertion of advertising.
7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the

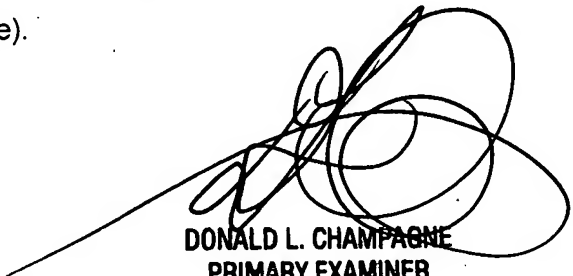
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issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 571-272-6717. The examiner can normally be reached from 9:30 AM to 8 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at donald.champagne@uspto.gov, and *informal* fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 571-273-6717.
9. The examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone number for all *formal* fax communications is 571-273-8300.
10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

26 November 2007


DONALD L. CHAMPAGNE
PRIMARY EXAMINER

Donald L. Champagne
Primary Examiner
Art Unit 3622